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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,722	10/13/2003	Steven M. Benedetti	0275M-000750	4344
27572	7590	01/03/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			MILLS, DANIEL J	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,722

Applicant(s)

BENEDETTI ET AL.

Examiner

Daniel J. Mills

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-28 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 29-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-28 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/13/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

DPS
Claims ^{4-28 and} ~~1-26~~ 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to The American Heritage Dictionary (4th ed.), a bond is a chemical bond, and bonded means to join securely as with glue or cement. Claim 1 claims the second portion is bonded to the first; Claim 12 claims an operable bond; Claim 18 claims the metallic portion is integrally bonded to the polymeric molded portion. No support exists in the specification for a chemical, adhesive, or glue bond between the two portions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 18-21, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gronau et al. (US 5,542,158) (referred to herein as "Gronau"). Please note the marked-up attachment.

As to claim 18, Gronau discloses a fastener system comprising a vehicle body panel (10), a one piece fastener (when assembled) having a metallic portion (20) insert moldable with a polymeric moldable portion (14), the metallic portion integrally bonded to the polymeric molded portion (the two are mechanically connected to one another) at least one U-shaped member (24) of the metallic portion operably receiving a fixed rib (30) connectably joined to a trim piece (32), and a pair of support posts (D) insert moldable with the moldable portion and operably engageable within a substantially rectangular aperture of the body panel (10), and an edge of the metallic portion inserted partially into and integrally attached to each of the pair of support posts (the metallic portion mechanically deforms the inside surface of D, and is integrally attached to the posts) wherein the deflectable wings operably deflect toward each other upon penetration of the support posts within the aperture and expand away from each other by spring force to releasably engage the fastener with the body panel.

As to claim 19, Gronau discloses an apparatus wherein the at least one U-shaped member (24) comprises a pair of U-shaped members (24), each having a bight (26) section to releasably engage the trim piece.

As to claim 20, Gronau discloses an apparatus wherein the bight (26) section includes at least one barb (28).

As to claim 21, Gronau discloses an apparatus comprising a central barb (K) formed between the two members (K appears in figure 1 at least partly between the two U-shaped members).

As to claim 23, Gronau discloses an apparatus wherein each of the support posts (D) include a width smaller than a rectangular aperature width permitting an angular rotation of the support posts within the rectangular aperature (as can be seen, the support posts have a tapered section width smaller than the aperature).

As to claim 24, Gronau discloses an apparatus wherein the moldable portion (14) includes a flexible skirt (18) operably contacting the vehicle body panel in a fully engaged position of the one piece fastener.

As to claim 25, Gronau discloses an apparatus wherein the fixed rib is insert moldable with a doghouse assembly (L), the doghouse assembly being positionable between the fixed rib and the trim piece.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau (US 5,542,158) as applied to claim 18 above, and in further view of Smith et al. (US 6,381,811).

As to claim 22, Gronau discloses a fastener system with two support posts (D) distally extending from a first side of the flexible skirt with the second portion insert moldable. Gronau fails to disclose that these support posts have a beveled end.

Smith teaches the use of support posts with beveled ends for the purpose of easier insertion of the clip into a panel. Accordingly, it would have been obvious to one of ordinary skill in the panel clip art at the time of applicant's invention to modify the arrangement of Gronau to include support posts with beveled ends as taught by Smith for the purpose of easier insertion of the clip into a panel.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau (US 5,542,158).

As to claim 26, Gronau discloses the apparatus, as previously noted above, with the exception of specifying the insertion pressure at which the wings deflect.

It has generally been recognized that the optimization of a result effective variable, in this case the assembly force, in a prior art device through routine experimentation, is a design consideration within the level of skill in the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). Therefore, it would have been no more than an obvious matter of engineering design choice to one with ordinary skill in the art at the time the invention was made to provide an assembly force of the insertion of the fastener system of Gronau to be up to 15 pounds as determined through routine experimentation and optimization, producing no new and unexpected results.

As to claim 27, Gronau discloses the apparatus with the exception of specifying the fastener insertion pressure.

It has generally been recognized that the optimization of a result effective variable, in this case the assembly force, in a prior art device is a design consideration within the level of skill in the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). Therefore, it would have been no more than an obvious matter of engineering design choice to one with ordinary skill in the art at the time the invention was made to provide an assembly force of the insertion of the fastener system of Gronau to be 10 pounds as determined through routine experimentation and optimization, producing no new and unexpected results.

As to claim 28, Gronau discloses the apparatus with the exception of specifying the minimum fastener removal pressure.

It has generally been recognized that the optimization of a result effective variable, in this case the assembly force, in a prior art device is a design consideration within the level of skill in the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). Therefore, it would have been no more than an obvious matter of engineering design choice to one with ordinary skill in the art at the time the invention was made to provide a removal force of the fastener system of Gronau to be at least 35 pounds as determined through routine experimentation and optimization, producing no new and unexpected results.

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Response to Arguments

Applicant's arguments, filed 10/18/2005, with respect to claims 1-17 have been fully considered and are persuasive. The ^{Section} 102b and ^{Section} 103 rejections of claims 1-17 have been withdrawn.

Applicant's arguments in regard to claims 18-28, 34 have been fully considered but they are not persuasive. Gronau shows the metallic and polymeric portions to be integrally mechanically connected together. The edge of the metallic portion would push into the surface of the posts when inserted into a small receiving hole (see column 2 lines 60-65).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

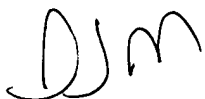
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DJM
12-21-2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

U.S. Patent

Aug. 6, 1996

5,542,158

